

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITRANS COLSOLIDATED, INC.,

Plaintiff,

-against-

CLASSIC CLOSEOUTS, LLC., d/b/a  
Classiccloseouts.com, IVAL GROUP, LLC.,  
DANIEL J GREENBERG, JONATHAN BROOK,

Defendants.  
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ORDER

09-CV-2098 (SLT)

GOLD, STEVEN M., U.S.M.J.:

In a prior Order, I alerted plaintiff to my concerns in recommending a default judgment. Docket Entry 22. In response, plaintiff now seeks to voluntarily dismiss this action against Ival Group and Daniel Greenberg pursuant to Federal Rule of Civil Procedure 41(a). Orzel Decl. ¶ 8, Docket Entry 23. Plaintiff shall file a stipulation discontinuing this action with respect to Ival Group and Daniel Greenberg no later than May 14, 2010. In addition, plaintiff requests leave to amend its complaint to allege fraud with particularity in order to meet my concerns about the deficiencies in its pleadings. *Id.* ¶ 9. Plaintiff's application for leave to amend is granted. Unitrans Consolidated shall file an amended complaint no later than May 14, 2010. Plaintiff may seek new default judgments against the defendants if they again fail to appear. Accordingly, plaintiff's motion for default judgment, Docket Entry 15, shall be terminated.

Upon receipt of this Order, plaintiff is hereby directed promptly to serve a copy of this Order by certified mail, return receipt requested, on all defendants at their last known addresses, and to provide the court with a copy of the return receipt.

SO ORDERED.

Dated: Brooklyn, New York  
April 26, 2010

\_\_\_\_s/\_\_\_\_\_  
STEVEN M. GOLD  
United States Magistrate Judge

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